

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., May 16, 2007, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1, Andrew Kunasek, Vice Chairman, District 3; Don Stapley, District 2 Max W. Wilson, District 4 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

INVOCATION

Pastor Tony Garcia, Victory Outreach, delivered the invocation.

PLEDGE OF ALLEGIANCE

Israel Rosario, County Manager's Office, led the assemblage in the Pledge of Allegiance.

PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

Pursuant to A.R.S. §4-201, Chairman Brock called for a public hearing on the following liquor license applications. This hearing will determine the recommendation the Board of Supervisors will make to the State Liquor Board to grant or deny the license.

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek, to recommend approval of the following liquor license applications:

- a. Application filed by Dave Jerome Forman for a Special Event Liquor License: (SELL782) (F23221)

Business Name: Goodwill Industries
Location: 7611 S. 29th Avenue, Laveen 85339
Date/Time: June 12, 2007, 6 p.m. – 11 p.m.

- b. Application filed by Mary Crouchman Bunting for a Special Event Liquor License: (SELL784, 785, 786) (F23221)

Business Name: Theatre West
Location: 14401 W. R.H. Johnson Blvd, Sun City West 85375
Date/Time: November 2, 2007, January 25, & March 21, 2008

- c. Application filed by Robert L. Meeks for a Special Event Liquor License: (SELL783) (F23221)

Business Name: Surprise Elks Lodge #2833
Location: 20011 N. 128th Avenue, Sun City West 85375
Date/Time: October 6, 2007, 12 p.m. – 5 p.m.

- d. Application filed by Namrood M. Eysho for a New Series 10 Liquor License: (MCLL6225)

Business Name: Kings Beer-Wine

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

Location: 10262 E. Apache Trail #2, Apache Junction 85220

- e. Application filed by Richard Whun Koga for a New Series 12 Liquor License:
(MCLL6224)

Business Name: Takamatsu Sushi Lounge
Location: 7019 N. Litchfield Road, Glendale 85307

- f. Application filed by Ina Chan Tsang for an Agent Change, Series 12 Liquor License
(MCLL015AC):

Business Name: Asiana Kitchen
Location: 2668 W. Anthem Way A-128, Anthem 85086
Previous Agent: Jun Weng

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "nay."

PUBLIC HEARING – BINGO LICENSE APPLICATION

Chairman Brock called for a public hearing on this matter. No protests having been received and no speakers coming forth at the Chairman's call, pursuant to ARS §5-404.A, motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the application filed by Ralph Walters for a Bingo License Permit: (ADM657)

Organization: Daisy Mountain Veterans
Location: 40404 N. Gavilan Peak Pkwy, Anthem 85086

ROAD DECLARED (ROAD FILE NO. A381)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C6407190000)

RESOLUTION – ROAD FILE NO. A381

WHEREAS, pursuant to A.R.S. §28-6701, on the 18th day of April, 2007, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

Parcel 1

Beginning at the South quarter corner of said Section 11; Thence North 00°11'07" West, a distance of 282.62 feet; Thence North 89°48'53" East, a distance of 40 feet; Thence South 00°11'07" East; a distance of 187.40 feet, to the beginning of a tangent curve to the left, having a radius of 30 feet; Thence through a central angle of 90°11'06", a arc distance of 47.22 feet; Thence North 89°37'46" East, a distance of 1,676.04 feet; Thence North 87°04'13" East, a distance of 559.90 feet; Thence North 89°37'46" East, a distance of 226.06 feet, to the West line of the East 99 feet; Thence South 00°45'27" East, a distance of 112.58 feet to the South line of said Section 11; Thence along the South line of said Section 11, South 89°37'46" West, a distance of 2,631 feet to the Point Of Beginning.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

Parcel 2

The East 30 feet of the South 282.62 feet of the Southwest quarter of said Section 11.
(Said alignment is also known as MC 85 (Buckeye Road) from 79th Avenue to 75th Avenue, and the South 282.62 feet of 79th Avenue)

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 16th day of May 2007.

ENVIRONMENTAL HEALTH CODE ORDINANCE P-14 - CONTINUED

Item: This is the time scheduled for a public hearing to solicit comments and approve proposed revisions to Chapters I, II, V, VIII, XI and XII of the Maricopa County Environmental Health Code Ordinance P-14 (MCEHC). Proposed code amendments align code definitions with the MCEHC fee schedule, incorporate Arizona Administrative Code drinking water and wastewater standards by reference, expound on wastewater treatment plant operator certification, adjust sewage/waste treatment works construction time frames, add permit fee waiver expirations, modify chemical toilet permit fees and update permitted facility revocation/suspension postings. (C8807006700) (ADM2102)

Motion was made by Supervisor Kunasek to continue this item for two weeks for additional time to research answers to questions raised by several small business owners on the intent and effect of some of the code changes on their business. Supervisor Wilcox seconded the motion and it carried unanimously (5-0). This item will be heard at the June 6, 2007, board meeting.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

EXEMPTION TO THE MARICOPA COUNTY GENERAL TRAVEL POLICY

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a one time exemption to the Maricopa County Travel Policy (A2313), Section IX, Payment of Interview Expenses, to allow the Assessor's Office to reimburse two interview candidates for the Chief Appraiser position for allowed travel related expenses to Phoenix, Arizona. (C1207006000) (ADM658)

COUNTY AUDITOR'S ANNUAL AUDIT PLAN

In accordance with the Board-approved Internal Audit Charter, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the County Auditor's recommendations for the FY 2007-08 Annual Audit Plan. (C2307003M00) (ADM2600)

**Maricopa County Internal Audit
Fiscal Year 2008 Annual Audit Plan**

High Risk Audit Areas

Air Quality Department
Facilities Mgmt Department
Juvenile Probation Department
Network Security Review
Random Cash Audits
Countywide Anti-Virus Review
Countywide Contracts
Countywide Leases
Special Request Audits

Medium Risk Audit Areas

Elections Department
Office of the Medical Examiner
Trial Courts--Justice Court Services
Trial Courts--Justice Courts (8 Courts)
Trial Courts--Superior Court
Countywide Continuous Monitoring
Countywide Financial Condition

Low Risk Audit Areas

Clerk of the Board
MFR/Performance Measures
Single Audit Reviews
Countywide Audit Follow Up

EXCEPTION TO THE TECHNOLOGY FINANCE PROGRAM

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an exception to the Technology Finance Program (TFP) that allows the Sheriff's Office to purchase two servers with additional storage, tape drives and peripherals costing \$22,010 and \$11,966 respectively for an estimated total cost \$33,976. These will be used for the Arizona Methamphetamine Program to monitor retail pseudoephedrine sales transaction records. These items were not specifically requested for expenditure in the original agenda item approving the acceptance of the grant from the U.S. Department of Justice approved by the Board of Supervisors on August 14, 2004 (C5005509300). This authorization is required to complete the one-time purchase of these items within the grant period, which expires on August 30, 2007. These servers and peripherals will be tracked separately from the Sheriff's Office TFP computers and there will be no automatic replacement from the general fund at the end of their useful lives. (C5005509301) (ADM1831)

AMENDMENT TO IGA FOR REIMBURSEMENT OF PAYROLL EXPENSES

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 1 to the intergovernmental agreement (IGA) between the Arizona Department of Public Safety (DPS) and the Maricopa County Sheriff's Office. This agreement designates one non

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

P.O.S.T. certified officer to work under the direction of DPS and the Statewide Gang Task Force. This IGA will increase the reimbursement of the officer's payroll expenses, from 75% to 85%. This agreement will expire on April 18, 2008, unless renewed in writing by DPS. (C5006062201)

AGREEMENT FOR LAW ENFORCEMENT SERVICES

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the agreement for law enforcement services between the City of Goodyear and Maricopa County for the Sheriff's Office to provide law enforcement services at the level of one beat to Patrol out of the District II Office for the Sonoran Valley area, recently annexed by the City of Goodyear. This is a one-year agreement starting April 26, 2007, or upon approval by the City Council and the Board of Supervisors. Compensation for Law Enforcement Services shall begin July 1, 2007. This agreement will automatically renew for up to three successive fiscal year terms unless renegotiated or terminated. The City will be informed of subsequent fiscal year costs by February 15 of each term.

The cost reimbursement for service delivery during FY 2007-08 will be \$694,107, payable in monthly installments. An additional reimbursement amount of \$141,734 will be payable in lump sums as the following items are purchased: two Patrol SUVs; four tasers with accessories; four ruggedized laptop computers, and four radios.

Also approve two additions to the Sheriff's fleet for the patrol SUVs being purchased to deliver this contract. (ADM3104)

Approval of this item will result in the establishment of four new deputy positions. The fifth position will be covered using a deputy assigned to patrol this area before it was annexed. Also approve an authorization to the Office of Management and Budget to work with the Sheriff's Office to ensure the FY 2007-08 appropriation recommendation includes this new revenue and these corresponding new expenditures for continuing and one-time costs. Revenue adjustment estimated not to exceed \$835,841 (\$694,107 annualized); expenditure adjustment estimated not-to-exceed \$724,341, (\$582,607 annualized). (C5007068200)

VEHICLE EXEMPTIONS

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the issuance of undercover non-governmental license plates including exemptions from markings, per A.R.S. §38-538.03 and A.R.S. §28-2511 for 37 new detective vehicles in the County fleet. Exemptions granted pursuant to A.R.S. § 38.538.03 are in effect for one year. All of these vehicles will be used to conduct undercover law enforcement investigations which are more easily accomplished without noticeable law enforcement insignia. A confidential list of these vehicles will be kept on file in the Clerk of the Board's Office. (C5007072M00) (ADM3101V)

APPORTIONMENT OF NATIONAL FOREST FEES

Pursuant to A.R.S. §11-497, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the apportionment of \$148,284 of National Forest Fees for FY 2006-07. The Superintendent of Schools to receive 85% (69% to General Fund, 15% to small schools educational programs, and 1% to County Road Fund) of the National Forest Fees to be used for Title I programs and 15% to be used for Title III programs. (C3706002803) (ADM1809)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

VEHICLE EXEMPTION

Pursuant to A.R.S. §38-538.03 and 28-2511(A), motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the exemption from markings and the use of non-governmental license plates for two Chevrolet Impala vehicles purchased under agenda C2707013M00, approved February 7, 2007. Exemptions granted pursuant to A.R.S. §38-538.03 are in effect for one year. The list of VIN numbers is on file in the Clerk of the Board's Office. (C2707019M00) (ADM3101V)

Vehicle ID: 52723

Vehicle ID: 52724

GRANT FOR EXPANSION OF THE JUVENILE COURT'S COMMUNITY SERVICES UNIT

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept a FY 2006-07 grant and associated revenue for the Trial Courts Department of the Judicial Branch in the amount of \$114,440 from the Governor's Office for Children, Youth and Families Juvenile Justice Programs, Title II Formula Grant for expansion of the Juvenile Court's Community Services Unit (CSU). The indirect costs (based upon a rate of 38.7% certified by the Dept of Finance) of \$44,288 are not fully recoverable from the funding, as the grant does not allow funding for indirect cost recovery. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limit, and therefore the budget law does not prohibit expenditure of these revenues. (C3807026300)

APPOINTMENT

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the appointment of Court Commissioner Veronica Watford Brame as Superior Court Judge Pro Tempore and Pro Tempore Justice of the Peace in accordance with A.R.S. §12-141 for the period from May 16, 2007 through June 30, 2007, to serve in the various programs in the Superior Courts and Justice Courts to reduce trial delay. (C3807027700) (ADM1001)

ADDITION AND/OR REPLACEMENT OF THE MARKET RANGES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the addition and/or replacement of the additional Market Ranges to the authorized comprehensive listing of employee compensation Market Ranges previously approved by the Board of Supervisors on April 18, 2007. (C4907038601) (ADM3300-006)

Market Range Title	Minimum	Midpoint Hiring		Action
		Maximum	Maximum	
Accountant	\$39,021	\$47,840	\$56,659	Update
Accounting Clerk	\$28,933	\$37,773	\$46,613	Update
Benefits Specialist - County	\$40,664	\$48,932	\$57,200	New
Claims Adjuster	\$44,803	\$56,066	\$67,330	New
Electrician	\$41,184	\$49,608	\$58,032	Update
Electronic Technician	\$44,450	\$52,010	\$59,571	Update
Ergonomist	\$48,797	\$61,100	\$73,403	Update
Finance/Business Analyst - County	\$46,842	\$61,693	\$76,544	New
Finance/Business Analyst - Department	\$44,616	\$58,760	\$72,904	New
Finance Manager - County	\$67,142	\$83,418	\$99,694	New

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

Market Range Title	Midpoint Hiring		Maximum	Action
	Minimum	Maximum		
Finance Supervisor - County	\$58,573	\$72,342	\$86,112	New
Finance Supervisor-Department	\$55,786	\$68,900	\$82,014	New
Finance Support Supervisor-Dept.	\$44,616	\$58,760	\$72,904	New
Grants/Contract Administrator	\$42,786	\$52,946	\$63,107	New
Grants/Contract Admin. Supervisor	\$47,070	\$58,240	\$69,410	New
Human Resources Analyst	\$47,029	\$56,545	\$66,061	New
Human Resources Associate	\$40,664	\$48,932	\$57,200	New
Human Resources Manager - County	\$67,142	\$83,418	\$99,694	New
Human Resources Supervisor	\$55,786	\$68,900	\$82,014	Update
Human Resources Support Supervisor	\$47,029	\$56,545	\$66,061	New
Human Resources Technician	\$32,261	\$40,986	\$49,712	New
Internal Audit Manager	\$67,142	\$83,418	\$99,694	New
Internal Audit Supervisor	\$58,573	\$72,342	\$86,112	New
Internal Auditor	\$46,842	\$61,693	\$76,544	New
Legal Assistant	\$38,251	\$46,998	\$55,744	Update
Legal Assistant Supervisor	\$46,675	\$55,671	\$64,667	Update
Legal Support Specialist	\$33,613	\$41,402	\$49,192	Update
Legal Support Supervisor	\$41,122	\$49,171	\$57,221	New
Management Analyst	\$44,616	\$58,760	\$72,904	Update
Materials Handling Worker	\$27,830	\$34,382	\$40,934	New
Materials Inventory Specialist	\$30,493	\$38,220	\$45,947	New
Medical Director	\$117,096	\$165,798	\$214,499	New
Planner	\$44,616	\$55,338	\$66,061	Update
Procurement Officer - County	\$47,882	\$59,062	\$70,242	New
Procurement Officer - Department	\$42,786	\$52,946	\$63,107	New
Procurement Specialist	\$35,464	\$42,817	\$50,170	New
Procurement Supervisor - County	\$56,722	\$67,933	\$79,144	New
Procurement Supervisor - Department	\$47,070	\$58,240	\$69,410	New
Recruiter	\$40,664	\$48,932	\$57,200	New
Trades Generalist	\$31,990	\$38,459	\$44,928	Update
Trades Specialist	\$37,586	\$45,167	\$52,749	Update
Trades Supervisor	\$47,590	\$58,802	\$70,013	Update
Trainer	\$40,664	\$48,932	\$57,200	New
Workforce Development Specialist	\$31,845	\$36,910	\$41,974	New

TENTATIVE BUDGET

Item: Approve the FY 2007-08 Tentative Budget pursuant to A.R.S. §42-17101 and 42-17102, by total appropriation for each department and fund in the amount of \$2,191,564,755 (Expenditures totaling \$1,776,806,445 and Appropriated Beginning Fund Balance of \$414,758,310) and approve the FY 2007-08 Tentative Budget Executive Summary (C4907042800) (ADM1802)

Chairman Brock asked for a motion to develop a communication's plan funding recommendation, ask that OMB analyze the communication strategy developed by the County Manager's Office and provide a

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

funding recommendation for the Board to consider at final budget adoption. Queries came from members on the meaning of this request.

David Smith said there has been a certain amount of success in communicating with the public through media sources on subjects like the West Nile Virus, Bring Back Blue and the Arizona Meth Project to promote citizens adopting self-help actions that would improve the quality of their lives. This would also help reduce the demand on County government services and therefore the cost of government.

Supervisors informed the public that the tentative budget is posted on the County's website and there is time before the final budget is adopted for citizens to give input and/or request changes. Also, that most areas of the County budget are mandated by the State. This year's budget gives one of the largest tax rate cuts ever experienced in Maricopa County.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the FY 2007-08 Tentative Budget as it was presented and with no new recommendations.

NOTICE OF GRANT AWARD FOR HIV SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the notice of grant award (2 H89HA00031-14-00 Emergency Relief Project Grants) from the Department of Health and Human Services' Health Resources and Services Administration (HRSA) for HIV services to the Department of Public Health and Maricopa County Healthcare Mandates. This grant award is in the amount of \$4,970,250 for the budget period of March 1, 2007 to February 28, 2008. Department of Public Health will administer the grant from March 1, 2007 to June 30, 2007. Maricopa County Healthcare Mandates will administer the grant from July 1, 2007 to February 28, 2008

The Department of Public Health's indirect rate is 18.1%. HRSA's indirect allowable rate is 10% of administrative, quality management, and planning council support expenses only. For FY 2006-07 \$1,408,238 is passed through to sub-recipients and is not subject to indirect. The estimated indirect costs are \$68,153, with \$37,653 allowable and \$30,500 unallowable. Healthcare Mandates' indirect Rate is 0%. For FY 2007-08, \$2,816,475 is passed through to sub-recipients and is not subject to indirect. The estimated indirect costs are \$45,184, all of which is recoverable. (Healthcare Mandates will not charge indirect cost in FY 2007-08.)

Also approve revenue and expenditure appropriation adjustments to the Healthcare Mandates Grant Fund (Department 390, Fund 100) associated with the aforementioned grant in an amount of \$3,147,825. The appropriations adjustment is necessary because these funds were not included in the FY 2007-08 budget. Department of Public Health has \$1,656,750 budgeted for FY 2006-07 and \$165,675 for FY 2007-08. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8606042301)

CITY OF PHOENIX CHILDHOOD IMMUNIZATIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the intergovernmental agreement (IGA) between The City of Phoenix and the Department of Public Health's Community Health Nursing Program (CHN). This IGA will provide the City of Phoenix with funds that will be used to administer mandatory immunization to school aged children. The amount of this

**FORMAL SESSION
May 16, 2007**

agreement is not-to-exceed \$270,000 over the period of three years. The term of this agreement is valid upon Board approval through May 31, 2010. (C8607057200)

OPERATION OF THE COMMUNITY ACTION PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the agreements with the following cities/towns for the operation of the Community Action Programs to provide community services and case management and emergency services for low-income residents in each town/city and surrounding identified geographic areas. The terms of these agreements are for the period of July 1, 2007 to June 30, 2008, and may be renewed for two additional one year terms based on successful financial and program performance. These agreements are contingent upon final approval of the County's FY 2007-08 budget, and the receipt of fully executed agreements between Maricopa County and the Arizona Department of Economic Security. There is no long-term commitment on the part of Maricopa County to continue this program beyond the terms of the agreements. These agreements require that the cities/towns develop and implement programs and services that address the following federal goals for Community Action Programs: securing and maintaining employment; securing adequate education; better Income management; securing adequate housing; providing emergency services; improving nutrition; creating linkages among anti-poverty programs; and, achieving self-sufficiency.

- a. **Town of Gila Bend** – Intergovernmental agreement will provide funding in a not-to-exceed amount of \$89,265. Funding for this IGA is being provided by the Arizona Department of Economic Security (\$64,239) and Maricopa County (\$25,026). (C2208069200)
- b. **City of Tolleson** – Intergovernmental agreement will provide funding in a not-to-exceed amount of \$86,971. Funding for this IGA is being provided by the Arizona Department of Economic Security (\$58,980) and Maricopa County (\$27,991). (C2208072200)
- c. **City of Chandler** – Contract with Community Services of Arizona, Inc., a not-for-profit organization contract will provide the Chandler Community Action Program funding in a not-to-exceed amount of \$175,139. Funding for this contract is being provided by the Arizona Department of Economic Security (\$128,034) and Maricopa County (\$47,105). (C2208073100)
- d. **Town of Gilbert** – Contract with Community Services of Arizona, Inc., a not-for-profit organization will provide the Gilbert Community Action Program funding in a not-to-exceed amount of \$100,681. Funding for this contract is being provided by the Arizona Department of Economic Security (\$74,436) and Maricopa County (\$26,245). (C2208074100)
- e. **City of Tempe** – Contract with the Tempe Community Action, Inc., a not-for-profit organization will provide the Tempe Community Action Agency funding in a not-to-exceed amount of \$287,930. Funding for this contract is being provided by the Arizona Department of Economic Security (\$227,325) and Maricopa County (\$60,605). (C2208076100)

**FORMAL SESSION
May 16, 2007**

DONATION AGREEMENT FOR IMPROVEMENTS AT THE MARICOPA COUNTY EVENTS CENTER

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the Donation Agreement for the acceptance of \$1,100,000 donation for naming rights and to be used as matching capital funds for identified stage house improvements at the Maricopa County Events Center. Upon completion of the identified stage house improvements, the Maricopa County Events Center will be renamed in accordance with the Donation Agreement that is on file with the Clerk of the Board. Also, approve an increase in revenues in the amount of \$1,100,000 for FY 2006-07 in the Event Center (620), Fund (375). These funds will be budgeted in future fiscal years for expenditure at the Maricopa County Events Center. Donation revenues are not local revenues for the purpose of the constitutional expenditure limitation and therefore expenditures of these revenues are not prohibited by the budget law. (C6207002100)

CONSTRUCTION PHASE SERVICES FOR VISITOR CENTERS AND AMPHITHEATERS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve and execute a Construction Manager at Risk construction phase services contract between Maricopa County through the Parks & Recreation Department (MCPRD) and DL Norton, Inc. for the MCPRD Visitor Centers and Amphitheaters (Function VAMP). The funds to pay for the contracted amount will be from the General Fund County Improvement Fund (445) as adopted in the FY 2006-07 County Budget on June 19, 2006. (C3007032100)

AGREEMENT WITH ARIZONA HUMANE SOCIETY FOR DOG LICENSES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve an agreement between the Arizona Humane Society, a non-profit corporation organized under the laws of the State of Arizona, 1521 W. Dobbins Road, Phoenix, AZ 85041, and Maricopa County to allow the Arizona Humane Society to sell Maricopa County dog licenses to clients requesting to purchase dog licenses and to collect monies on behalf of Maricopa County for the dog licenses sold. Monies collected will be submitted on a monthly basis to Maricopa County Animal Care & Control (MCACC) minus \$2.00 per license sold retained as administrative fee by the Arizona Humane Society along with agreed upon records. MCACC anticipates 1,800 licenses to be sold during the term of this agreement. The term of this agreement shall commence upon execution and shall expire June 30, 2010. (C7907078100)

NEW HOPE ANIMAL RESCUE PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following agreements with Maricopa County under the New Hope Program to rescue animals that have been deemed eligible for the New program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the contractor. The cost for these services is \$39 for each animal rescued:

- a. John Braden, d.b.a. Tundra Shepherd Rescue/Arizona, 2923 E. Cannon Drive, Phoenix, AZ 85028. Animal Care & Control estimates 10 new hope rescues over the term of the agreement, for a total of \$390. The term of this agreement is from May 16, 2007 through April 17, 2008. (C7907084100)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

- b. Pamela Heine, d.b.a. Finding Fido, P. O. Box 38233, Phoenix, AZ 85069. Animal Care & Control estimates 300 new hope rescues over the term of the agreement, for a total of \$11,700.00. The term of this Agreement is from May 16, 2007 through April 3, 2010. (C7907091100)
- c. Robin Jensen, d.b.a. Coppercloud Pet Rescue, 10512 E. Cholla Street, Scottsdale, AZ 85259. Animal Care & Control estimates 100 new hope rescues over the term of the agreement, for a total of \$3,900. The term of this agreement is from May 16, 2007 through April 3, 2010. (C7907092100)
- d. Valley Cat & Dog Rescue, a 501 (c) 3 non-profit corporation, P. O. Box 11048, Tempe, AZ 85284. Animal Care & Control estimates 375 new hope rescues over the term of the agreement, for a total of \$14,625. The term of this agreement is from May 16, 2007 through April 3, 2010. (C7907093100)
- e. Arizona Animal Rescue and Sanctuary, a 501 (c) 3 non-profit, 8324 N. 8th Avenue, Phoenix, AZ 85021. Animal Care & Control estimates 375 new hope rescues over the term of the agreement, for a total of \$14,625. The term of this agreement is from May 16, 2007 through April 3, 2010. (C7907094100)
- f. Boxer Luv Rescue, a 501 (c) 3 non-profit, 8324 N. 8th Avenue, Phoenix, AZ 85021. Animal Care & Control estimates 120 new hope rescues over the term of the agreement, for a total of \$4,680. The term of this agreement is from May 16, 2007 through April 3, 2010. (C7907095100)
- g. Debora Harlow, d.b.a. Akita Advocates Relocation Team Arizona (AARTA), 5808 S. 44th Street, Phoenix, AZ 85040. Animal Care & Control estimates 50 new hope rescues over the term of the agreement, for a total of \$1,950. The term of this agreement is from May 16, 2007 through April 3, 2010. (C7907097100)
- h. Animal Welfare League A.A.W.L., a 501 (c) 3 non-profit corporation, 30 N. 40th Place, Phoenix, AZ 85034. Animal Care & Control estimates 2,100 new hope rescues over the term of the agreement, for a total of \$81,900. The term of this agreement is from May 16, 2007 through April 17, 2010. (C7907102100)
- i. Jennifer Gilson, d.b.a. Animal Rescue Center, 4015 E. Cactus Road, Phoenix, AZ 85032. Animal Care & Control estimates 1,050 new hope rescues over the term of the agreement, for a total of \$40,950. The term of this agreement is from May 16, 2007 through April 17, 2010. (C7907103100)
- j. Internet Miniature Pinscher Services, Inc., a 501 (c) 3, P. O. Box 111863, Naples, FL 34018. Animal Care & Control estimates 30 new hope rescues over the term of the agreement, for a total of \$1,170. The term of this agreement is from May 16, 2007 through April 17, 2010. (C7907104100)
- k. Susan Hagen-Smith, d.b.a. Arizona Keeshond Rescue, 7268 E. Softwind Drive, Scottsdale, AZ 85255. Animal Care & Control estimates 6 new hope rescues over the term of the agreement, for a total of \$234. The term of this agreement is from May 16, 2007 through April 17, 2008. (C7907105100)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

- l. Arizona Humane Society (AHS), an Arizona non-profit corporation, 1521 W. Dobbins Road, Phoenix, AZ 85041. Animal Care & Control estimates 600 new hope rescues over the term of the agreement, for a total of \$23,400. The term of this agreement is from May 16, 2007 through May 1, 2010. (C7907107100)
- m. Sun Valley Animal Shelter, a 501 (c) 3 non-profit corporation, 7150 N. 110th Avenue, Glendale, AZ 85307. Animal Care & Control estimates 400 new hope rescues over the term of the agreement, for a total of \$15,600. The term of this agreement is from May 16, 2007 through May 1, 2010. (C7907116100)

KENNEL PERMIT RENEWALS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following kennel permit renewals for the term of May 2, 2007 through May 1, 2008:

- a. Nancy Chapman, d.b.a. Chapman Kennels, 4201 W. Tierra Buena Lane, Phoenix, AZ 85053, Permit #410. The cost of a kennel permit is \$328. (C7907112C00) (ADM2304)
- b. Paula Lawrence-Brown, d.b.a. Eye Dog Foundation, 8252 S. 15th Avenue, Phoenix, AZ 85041, Permit #335. The cost of a kennel permit is \$328. (C7907113C00) (ADM2304)
- c. Ann Tipton, d.b.a. Tipton's Kennels, P. O. Box 882, Peoria, AZ 85345 (8442 N 99th Avenue, Peoria, AZ 85345), Permit #052. The cost of a kennel permit is \$328. (C7907114C00) (ADM2304)
- d. Sue Nix, d.b.a. Nix Kennels, 2505 E. Louise Drive, Phoenix, AZ 85032, Permit #389. The cost of a kennel permit is \$328, plus a late renewal fee of \$25, totaling \$353. (C7907115C00) (ADM2304)

DONATIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following donations:

- a. A restricted donation from the PETCO Foundation to Maricopa County Animal Care & Control (MCACC) in the amount of \$250 to be used for the Moonlight Muttness & Meow event, April 21, 2007. Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C7907108700) (ADM2300-006)
- b. Vernice Windus of Chandler, AZ to Maricopa County Animal Care & Control in the amount of \$500 for rescuing her daughter's dog from the streets. Donation revenue funds are deposited into Fund (573) as they are received. (C7907117700) (ADM2300-006)

**FORMAL SESSION
May 16, 2007**

FUND TRANSFERS; WARRANTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

CAPITAL LEASES FOR NETWORK INFRASTRUCTURE EQUIPMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to authorize the Chairman to execute all capital lease documents required for the financing of the Office of Enterprise Technology's new network infrastructure technology equipment in an amount not-to-exceed \$7,000,000. All capital lease documents are subject to County Counsel approval. The Department of Finance will facilitate the three-year reimbursement capital lease. The Office of Enterprise Technology will be expending funds for the capital equipment and is requesting reimbursement of their expenditures from the proceeds of the capital lease. Estimated total capital lease payments, with an approximate 4.25% interest rate for the maximum amount financed, will not exceed \$2,520,000 yearly. The monthly capital lease payments will be approximately \$210,000. The funds are budgeted. (C1807037800) (ADM1831-003)

LICENSE AGREEMENT WITH THE SILVER SPOON CAFÉ, LLC

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a License Agreement with The Silver Spoon Café, LLC allowing the placement of a food and beverage station in the Security Buildings at 222 and 234 N. Central Avenue in Phoenix. The license area is approximately 20'X 20' and is located on the first floor of the Security Building. The license term is month-to-month commencing on the date of execution of the license by both parties and the license agreement may be terminated by the county by providing 30-day written notice. The licensee will pay a nominal license fee and will be responsible for the cost of establishing any required services to the license area. (C1807038100) (ADM645)

SOLICITATION SERIALS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Award

- 06153-RFP Street Centerline Attribute Enhancement** (\$399,500 estimate/one year)
Contract to provide services to populate null or missing attributes in Maricopa County Department of Transportation's street centerline file.
- RBF Consulting

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

- 06158-S Insurance Broker Contract Services – RM** (\$35,000,000 estimate/three years with three one-year renewal options) Contract to provide insurance broker services for Maricopa County as recommended by Risk Management. Stated value includes the broker's fees of \$171,000 and estimated insurance premiums for the same period.
- Arthur J. Gallagher & Co.
- 07014-S Building Mounted Fire Extinguisher Services** (\$300,000 estimate/three years with three one-year renewal options) Price agreement to provide maintenance, repair, testing and inspection of building mounted fire extinguishers as requested by the Facilities Management Department.
- Sun Devil Fire Equipment, Inc.
- 07043-S Highway Litter Removal and Disposal** (\$2,000,000 estimate/three years with three one-year renewal options) Price agreement for litter pick-up and removal along various County highways.
- LandCorp Property Maintenance

Increase in the price agreement amount for the following contracts. This request is due to an increased usage by County departments.

- 02137-C Equipment Maintenance, Reconditioning & Repair Services** (\$55,000 increase) Increase price agreement value from \$780,000 to \$835,000. This \$55,000 increase is requested to pay for anticipated purchases prior to agreement expiration by both FMD and MCDOT. This agreement was renewed by the Board on May 18, 2005 in the amount of \$730,000 and was subsequently increased by the Materials Management Director to \$780,000. Price agreement expiration is May 31, 2007.
- Americam
 - ASSI Security of Arizona
 - Benson Systems
 - Norment Security Group, Inc.

Vendor Addition to Contract

- 06031-RFP Outside Audit, Accounting And Consulting Services** (Vendor Addition) In accordance with the terms and conditions of this contract, approval is requested for the addition of Weidner Consulting. This firm will be limited to consulting engagements pertaining to the County's MFR initiative.
- Weidner, Inc.

TRIPLE NET LEASE WITH LINCOLN COMMERCE PARK II, LLC

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and execute triple net lease No.L7396 with Lincoln Commerce Park II, LLC, as lessor, for approximately 13,524 square feet of flex space located at 2145 S. 11th Avenue, #170, Phoenix, AZ. The eighty six month lease shall commence on or about August 1, 2007, and terminate on or about September 30, 2014. Lessor shall provide the County a minimum of two parking spaces per 1,000 square feet of leased space.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

Direct the Office of Management and Budget to include one time tenant improvement expenses (Fund Balance) in the FY 2007-08 budget. Lessor shall provide a tenant improvement allowance equal to \$10 per square foot. The county will be responsible for the balance of the tenant improvement cost. With proper notice, the County may terminate the lease at the end of the fifth lease-year provided the County pays a termination penalty including repayment of the lessor's unamortized tenant improvement allowance and marketing costs at a 9% interest rate.

The NNN base rental rate is:

Months	Base Rent	Annual plus CAM and O&M expenses and rental tax
1-12	\$7.20/sf	\$97,372.80
13-24	\$7.42/sf	\$100,293.98
25-36	\$7.64/sf	\$103,377.46
37-48	\$7.87/sf	\$106,460.93
49-60	\$8.11/sf	\$109,706.69
61-72	\$8.35/sf	\$112,952.45
73-84	\$8.60/sf	\$116,360.50
85-86	\$0.00/sf	Only CAM and O&M expenses and rental tax

Also, approve an amount not-to-exceed \$100,000 for furniture, computers, office supplies and equipment and other miscellaneous expenses required to prepare the new space for the Air Monitoring Program. (C8507021400)

IMPLEMENTATION AND ENHANCEMENT OF THE PM 2.5 MONITORING NETWORK OPERATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the grant agreement and acceptance of grant funds from the Environmental Protection Agency (EPA), Grant No.07-030, in the amount of \$51,580.00. These grant funds are for continued implementation and enhancement of the PM 2.5 monitoring network operation designed to attain the PM 2.5 standard. The grant period is from December 1, 2006 through April 30, 2008.

Authorize the Chairman to sign all documents related to these grant funds. The grant funds may be expended for indirect costs which may be incurred by the Air Quality Department or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the Air Quality Department's composite indirect cost rate at 14.70%. Indirect cost recovery is allowed and fully recoverable at 14.70%, which equals \$6,610.51. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8507026300)

HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS GRANT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and accept a competitive award in the amount of \$1,500 from the Arizona Emergency Response Commission/Local Emergency Planning Committee for the Hazardous Materials Emergency Preparedness (HMEP) Grant.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

Also approve an appropriation adjustment in the amount of \$300.00 for both revenues and expenditures to the Emergency Management Department (150) Emergency Management Fund (215) budget.

Direct the Office of Management and Budget to budget continued expenses for FY 2007-08 in the amount of \$1,200.00. This award supports the Local Emergency Planning Committee (LEPC). The Grant Period is October 1, 2006 through September 30, 2007. The Maricopa County Department of Emergency Management's (MCDEM) current indirect cost rate is 17.01% for FY 2006-07. Indirect costs of \$255.15 for this grant are unallowable and unrecoverable. This cost will be fully absorbed in the MCDEM budget. The funds will be used for program costs. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. § 42-17105. (C1507010300)

AMENDED DELEGATION OF AUTHORITY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve amendment # 1 to the Delegation Agreement between the Arizona Department of Health Services (ADHS) and Maricopa County Environmental Services Department (MCESD). The amended delegation of authority to the local health department (LHD) personnel performing delegated duties shall be qualified in accordance with A.R.S. §36-136.01 and Department rules A.A.C. Title 9, Chapter 16, Article 4 which regulate sanitarians. Also, the agreement is amended to reflect a termination date of the agreement of June 30, 2017. This new agreement shall be effective 30 days after written notice of ADHS's final decision or the date the agreement has been signed by both parties, whichever comes later and will run through June 30, 2017. Historically ADHS has delegated to MCESD those responsibilities defined in appendix a "Food and General Sanitation" in the delegation agreement.

The Arizona Department of Health Services has been assigned the duties of implementation, education, compliance and enforcement of Proposition 201 Smoke-Free Arizona Act. As a part of this initiative, ADHS has determined the most effective and expeditious methodology is to implement the program in partnership with Maricopa County Environmental Services Department. MCESD shall provide an education component, and respond to written, on-line and telephone complaints or other means of communications directly received from the public as provided in this amended County Delegation agreement. (C8804006201)

IGA WITH ADHS AND RELATED EXPENDITURE ADJUSTMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement (IGA) between Maricopa County and the Arizona Department of Health Services (ADHS) in the amount of \$1,408,750 for delegated duties from ADHS to implement education and report compliance of Proposition 201 Smoke-Free-Arizona Act. The initial period for this IGA is 14 months commencing retro active to May 1, 2007 through June 30, 2008. This agreement remains in effect for the period necessary to complete activities specified in the IGA, such period not to exceed June 30, 2008.

Also, pursuant to A.R.S.42-17106(B), approve an increase to revenue and expenditure authority in the Environmental Services Grants Fund (Department 880, Fund 505). This action will require a revenue and expenditure appropriation adjustment increasing the FY 2006-07 Environmental Services (880) Equipment Services Grant Fund (505) \$201,250 and \$75,000 respectively. Direct the Office of Management and Budget to include the annualized costs in the FY 2007-08 budget. Intergovernmental Agreement revenues are not local revenues for the purpose of the constitutional expenditure limitation,

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment of \$201,250.00 does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A. R. S. 42-17105. (C8807009200)

CONSTRUCTION SERVICES FOR THE SOUTHEAST JUSTICE CENTER

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and authorize the execution of Construction Manager at Risk (CMR) GMP #1, Contract No. FMD-07-035, with Holder Construction Company of Phoenix, Arizona, in the amount of ~~\$6,086,000~~ \$6,896,566 (The Clerk made this correction prior to the vote.) to provide general construction services for the Southeast Justice Center located in Mesa, Arizona. (C7006047502)

EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action (ADM2007)

TT255.001 Project No.: TT255 - Northern Avenue at Reems Road - Warranty Deed - Parcel
(JPM) No.: 501-50-001 - Northern Investors Limited Partnership, an Arizona limited
 partnership - for the sum of \$940.00.

TT255.001 Project No.: TT255 - Northern Avenue at Reems Road – Purchase Agreement
(JPM) and Escrow Instructions - Parcel No.: 501-50-001 - Northern Investors Limited
 Partnership, an Arizona limited partnership.

TT255.002 Project No.: TT255 - Northern Avenue at Reems Road - Warranty Deed - Parcel
(JPM) No.: 501-48-003A - HURON, L.L.C., an Arizona limited liability company - for the
 sum of \$825.00.

TT255.002 Project No.: TT255 - Northern Avenue at Reems Road - Purchase Agreement
(JPM) and Escrow Instructions - Parcel No.: 501-48-003A - HURON, L.L.C., an Arizona
 limited liability company.

TT255.002-1 Project No.: TT255 - Northern Avenue at Reems Road - Temporary Construction
(JPM) Easement and Agreement for Highway Purposes - Parcel No.: 501-48-003A -
 HURON, L.L.C., an Arizona limited liability company - for the sum of \$2,365.00.

TT256.004 Project No.: TT256 - Northern Avenue at El Mirage Road - Warranty Deed -
(JPM) Parcel No.: 501-46-003K - JIA Corporation, an Arizona corporation - for the sum
 of \$46,200.00.

TT256.004 Project No.: TT256 - Northern Avenue at El Mirage Road - Purchase Agreement
(JPM) and Escrow Instructions - Parcel No.: 501-46-003K - JIA Corporation, an Arizona
 corporation.

TT260.002 Project No.: TT260 - Brown and Signal Butte - Agreement for Right of Entry -
(DLK) Parcel No.: 220-13-008A - Glen Gaddie - for the sum of \$500.00.

TT260.003 Project No.: TT260 - Brown and Signal Butte - Agreement for Right of Entry -

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

(DLK) Parcel No.: 220-04-014M - Scott Hon and Brenda Hon - for the sum of \$500.00.

REIMBURSEMENT (FINAL PAYMENT) TO SALT RIVER PROJECT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve reimbursement (final payment) to Salt River Project (SRP) in the amount of \$65,682 for relocation of their facilities in conflict with Maricopa County Department of Transportation (MCDOT) project T076, McQueen Road: Queen Creek Road to Pecos Road. (ADM2000-006)

Also, per A.R.S. 42-17106 (B), approve an amendment to the current FY 2007-2011 five-year TIP for Fund (234) - Transportation Capital Projects Fund adopted by the Board on June 21, 2006, by decreasing the FY 2006-07 (Year 1), capital budget for Project T002, Project Reserve Account with a capital budget of \$65,682. And, adjusting Project T076, McQueen Road: Queen Creek Road to Pecos Road by increasing the FY 2006-07 (Year 1) capital budget by \$65,682. (ADM2000-003)

The requested adjustment is necessary to realign project budgets to more closely match year-end projected expenditure amount, and results in a net impact of zero. (C6404188502) (ADM2000-006) (ADM2000-003)

CANDIDATE ASSESSMENT REPORT FOR USERY PASS ROAD EXTENSION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the intergovernmental agreement between Maricopa County Department of Transportation and the Fort McDowell Yavapai Nation for the development of a Candidate Assessment Report (CAR) for Usery Pass Road Extension. The total project cost is anticipated to be \$150,000 for the development of the CAR in County FY 2006-07. The County is expected to share 50% of the cost estimated at \$75,000. (C6407209200)

ANNEXATION BY THE TOWN OF GILBERT – ORDINANCE NO. 1719

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the annexation by the Town of Gilbert of County right-of-way of a portion of Lindsay Road, Between Ray Road and Williams Field Road, in accordance with Ordinance No. 1719. This annexation action will remove 0.1219 square miles from County ownership and enable the Town of Gilbert to assume responsibility for road maintenance. (C6407212000) (ADM4206-002)

**Town of Gilbert
Ordinance No. 1719**

Legal Description, Parcel No. 1

The West 33.00 feet of the North 1791.75 feet of the South 1856.75 feet of the Southwest quarter of Section 29, the East 65.00 feet of the South half of the Southeast quarter and the East 52.00 feet of the South 545.74 feet of the North half of the Southeast quarter of Section 30, Township 1 South, Range 6 East of the Gila and Salt River Meridian, Maricopa County, Arizona.

Except the West 19.00 feet of the East 52.00 feet of the South 19.39 feet of the North half of the Southeast quarter of said Section 30.

Containing 3.96 Acres, more or less.

Parcel No. 2

The West 33.00 feet of the Southwest quarter of the Northwest quarter, the West 33.00 feet of the South half of the Northwest quarter of the Northwest quarter, the West 33.00 feet of the South 165.00 feet of the North half of the Northwest quarter of the Northwest quarter of Section 29, the East 45.00 feet of the

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

Southeast quarter of the Northeast quarter, the East 45.00 feet of the South half of the Northeast quarter of the Northeast quarter and the East 45.00 feet of the South 165.00 feet of the North half of the Northeast quarter of the Northeast quarter of Section 30, Township 1 South, Range 6 East of the Gila and Salt River Meridian, Maricopa County, Arizona.
Containing 3.84 Acres, more or less.

ANNEXATION BY THE CITY OF PEORIA – ORDINANCE No. 07-08

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the annexation by the City of Peoria of County right-of-way within Happy Valley Parkway from 20' East of 103rd Avenue Alignment, east 686.06' to the existing City limits, in accordance with Ordinance No. 07-08. (C6407213000) (ADM4212-002)

**City of Peoria
Ordinance No. 07-08**

Legal Description

That portion of the NW4 of the SW4 of the SE4 of Section 5, T4N, R1E of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the center of said Section 5;

Thence S01°27'42"E along the West line of said SE4, a distance of 1362.28' to a point on the Northerly Right-of-Way line of Estrella Freeway Loop 303 and a point of curvature from which the radius point bears S16°16'45"W, a distance of 5794.53'; Thence Southeasterly along said Northerly Right-of-Way line of Estrella Freeway Loop 303 and a curve to the right through a central angle of 00°12'28" an arc distance of 21.01' to a point of curvature from which the Radius point bears S16°29'13"W, a distance of 5794.53' and the Point of Beginning;

Thence continuing Southeasterly along said Northerly Right-of-way line of Estrella Freeway Loop 303 and a curve to the right through a central angle of 06°47'01" an arc distance of 686.06' to a point; Thence S01°28'41"E a distance of 409.46' to a point on the Southerly Right-of-Way line of said Estrella Freeway Loop 303 and a point of curvature from which the radius point bears S23°38'41"W, a distance of 5333.33'; Thence Northwesterly along said Southerly Right-of-way line of said Estrella Freeway Loop 303 and a curve to the left through a central Angle of 07°22'35" an arc distance of 686.62' to a point; Thence N01°27'42"W, a distance of 408.42' to the Point of Beginning.

CONSULTANT SERVICES CONTRACT WITH AMEC INFRASTRUCTURE, INC.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Consultant Services Contract No. 2006-078 with AMEC Infrastructure, Inc. in the amount not-to-exceed \$1,509,999.44 for construction administration services for the Power Road, Guadalupe Road to Baseline Road Project, T090. Approval of this agenda is contingent upon the Board adopting the recommended FY 2007-08 budget. (Supervisory District 2) (C6407214500)

UTILITY ENHANCEMENT AGREEMENT FOR IMPROVEMENTS TO COTTON LANE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the execution of a Utility Enhancement Agreement between Maricopa County and Duke Realty Limited Partnership for improvements to Cotton Lane from MC85 to Elwood, Project T180. The agreement identifies and defines the responsibilities of the County and Duke for the cost sharing, design, construction, construction administration, rights of way acquisition, utility relocation, and ownership of the Project. Duke will pay Maricopa County the construction cost difference of \$142,262.00 to pipe vs. replacing in-kind (open ditch) Roosevelt Irrigation District's (RID) irrigation facilities across Duke's

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

property upon execution of this agreement. This work is in support of MCDOT Project T180, Cotton Lane Bridge at the Gila River. (C6407215M00)

BIDS AND AWARDS FOR IMPROVEMENT PROJECTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following solicitation of bids and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10%:

- a. Construction for Williams Field and Higley Intersection Improvement Project, Maricopa County Department of Transportation Project No. T102. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2007-08 budget. (C6407217500)
- b. Intersection improvements at Northern Avenue and El Mirage Road, MCDOT Project No. T256. FY 2007-08 expenditures are contingent upon the Board approving the recommended FY 2007-08 budget. (C6407224500)
- c. Union Hills Drive Golf Cart Path and Intersection Improvements, MCDOT Project No. T235. FY 2007-08 expenditures are contingent upon the Board approving the recommended FY 2007-08 budget. (C6407225500)
- d. MC 85 Extension: SR 85 to Turner Road, MCDOT Project No. T171. FY 2007-08 expenditures are contingent upon the Board approving the recommended FY 2007-08 budget. (C6407226500)

ROAD FILE VACATE AND ABANDON – AB-186

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to Adopt Resolution AB-186. (C6407221000)

**RESOLUTION
ROAD ABANDONMENT AB-186**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY,
ARIZONA, DECLARING A ROADWAY EASEMENT TO BE UNNECESSARY FOR
PUBLIC PURPOSES AND EXTINGUISHING THAT EASEMENT.**

WHEREAS, a certain roadway easement located in the general vicinity of Bruner Road and Narramore Road was established by action of the Maricopa County Board of Supervisors on October 8, 1912; and

WHEREAS, a proposal requesting the extinguishment of the roadway easement has been submitted to Maricopa County; and

WHEREAS, a legal description of the roadway easement to be extinguished, identified as Exhibit "A", is attached; and

WHEREAS, it has been determined by the Maricopa County Department of Transportation staff that the easement proposed for extinguishment is no longer needed for public purposes, and staff recommends

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

that it would be in the best interest of Maricopa County that the proposed extinguishment be approved; and

WHEREAS, Maricopa County is authorized to extinguish the roadway easement as described in Exhibit "A", pursuant to A.R.S. §§28-6701, 6709, 7202 and 7214.

BE IT THEREFORE RESOLVED by the Board of Supervisors of Maricopa County, Arizona, that the roadway easement as described in Exhibit "A" is no longer necessary for public purposes.

BE IT FURTHER RESOLVED that the roadway easement as described in Exhibit "A" is hereby extinguished.

BE IT FURTHER RESOLVED that this resolution does not abandon any patent easement that may encumber the roadway established by action of the Maricopa County Board of Supervisors on October 8, 1912.

BE IT FURTHER RESOLVED that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a facility that existed before this abandonment resolution, per A.R.S. § 28-7210.

DATED this 16th day of May 2007.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

EXHIBIT "A" - LEGAL DESCRIPTION - AB-186

Those portions of Sections 19 and 20 – T1S, R4W of the G&SRB&M, Maricopa County, Arizona, described as follows:

Parcel 1

The West 33 feet of the North half of the Southwest quarter of Section 20, T1S, R4W of the G&SRB&M, Maricopa County, Arizona.

Parcel 2

The West 33 feet of that portion of the Northwest quarter of Section 20, T1S, R4W of the G&SRB&M, Maricopa County, Arizona, lying South of the Arlington Canal.

Parcel 3

The East 33 feet of that portion of the Southeast quarter of the Northeast quarter lying South of the Arlington Canal and the North half of the Southeast quarter, all in Section 19, T1S, R4W of the G&SRB&M, Maricopa County, Arizona.

ROAD FILE VACATE AND ABANDON – AB-195

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to adopt Resolution AB-195. (C6407222000)

**RESOLUTION
ROAD ABANDONMENT AB-195**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, DECLARING A ROADWAY EASEMENT TO BE UNNECESSARY FOR PUBLIC PURPOSES AND EXTINGUISHING THAT EASEMENT.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

WHEREAS, a certain roadway easement located in the general vicinity of 144th Street and Willis Road was acquired by Maricopa County by means of an Easement and Agreement for Highway Purposes on August 24, 1987, and recorded by the Maricopa County Recorder as record number 87-532388; and

WHEREAS, a proposal requesting the extinguishment of the roadway easement has been submitted to Maricopa County; and

WHEREAS, a legal description of the roadway easement to be extinguished, identified as Exhibit "A", is attached; and

WHEREAS, it has been determined by the Maricopa County Department of Transportation staff that the easement proposed for extinguishment is no longer needed for public purposes, and staff recommends that it would be in the best interest of Maricopa County that the proposed extinguishment be approved; and

WHEREAS, Maricopa County is authorized to extinguish the roadway easement as described in Exhibit "A", pursuant to A.R.S. §§28-6701, 6709, 7202 and 7214.

BE IT THEREFORE RESOLVED by the Board of Supervisors of Maricopa County, Arizona, that the roadway easement as described in Exhibit "A" is no longer necessary for public purposes.

BE IT FURTHER RESOLVED that the roadway easement as described in Exhibit "A" is hereby extinguished.

BE IT FURTHER RESOLVED that this resolution does not abandon any patent easement that may encumber the property described in record number 87-532388.

BE IT FURTHER RESOLVED that this resolution does not abandon or extinguish existing utility easements or the right to access, operate and maintain a facility that existed before this abandonment resolution, per A.R.S. § 28-7210.

DATED this 16th day of May 2007.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

EXHIBIT "A" - Legal Description AB-195

The West 30.5 feet of the East 55.5 feet of South 835 feet of the South half of the Northeast quarter of Section 6 – T2S, R6E of the G&SRB&M, Maricopa County, Arizona, EXCEPT the South 518.61 feet thereof.

APPOINTMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following: (Corrections are noted on the May 16, 2007 Supplemental and made prior to the vote.)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

- a. **Citizen's Audit Advisory Committee** – ~~Appoint~~ Reappoint Ryan Brownsberger, nominated by Supervisorial District 4, whose term is effective from June 1, 2007 through May 31, 2009. (C0607082900) (ADM2602-001)
- b. **Citizen's Audit Advisory Committee** – ~~Appoint~~ Reappoint Ralph Lamoreaux, nominated by Supervisorial District 1, whose term is effective from May 28, 2007 through May 27, 2009. (C0607082900) (ADM2602-001)
- c. **Ryan White Planning Council** – Appoint R. Eric Ciolina, representing General Public, and Jay Moman, representing Institutional Members, whose term is effective from June 1, 2007 through May 31, 2010. (C2007051900) (ADM2153-001)
- d. **Ryan White Planning Council** - Reappoint Kimberley Bickes as Alternate to Deborah Frusciano, representing Service Providers, with Bickes' reappointment to run through February 28, 2010, the final date of Frusciano's term. Correct the record to reflect that Council members Miguel Garruna and Kelli Houston represent the General Public. (C2007051900) (ADM2153-001)

REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS

The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services as shown in the Vouchers. (ADM3814-003)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003)

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (5-0) regarding action on the following vouchers:

Ratify Voucher No. 222	\$291,368.22
Ratify Voucher No. 223	\$288,474.98
Ratify Voucher No. 264	\$3,106.60
Ratify Voucher No. 6035	\$118,367.41
Ratify Voucher No. 6036	\$559.49
Ratify Voucher No. 6037	\$42,839.67

No staff update on regional schools operations and finances was presented at this meeting. (ADM3814-005)

PUBLIC HEARING SCHEDULED – ROAD FILE DECLARATIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to set a public hearing to declare the following roads into the county highway system for 9:00 a.m., Wednesday, June 20, 2007.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

- a. **Road File No. 5359.** In the vicinity of Camelback Road and Dysart Road. (C6407218000)
- b. **Road File No. 5360.** In the vicinity of Camelback Road and Dysart Road. (C6407219000)
- c. **Road File No. 5361.** In the vicinity of Indian School Road and Jackrabbit Trail. (C6407220000)

PUBLIC HEARING SCHEDULED – PROPOSED NEW RULE 242

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to set a public hearing, as required by A.R.S. §49-479(b) for Wednesday, June 20, 2007, at 9:00 a.m. to solicit comments on proposed new Rule 242, Emission Offsets Generated by the Voluntary Paving of Unpaved Roads for inclusion in the Maricopa County Air Pollution Control Rules & Regulations as well as inclusion of the proposed rule into the (Arizona) State Implementation Plan (SIP). Also set a public hearing on the proposed Resolution which establishes a system for evaluating this type of Economic Incentive Program (EIP). (C8507027700) (ADM2354) (ADM2350)

PUBLIC HEARING SCHEDULED – MARICOPA COUNTY FY 2007-08 BUDGET

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to Set a public hearing pursuant to A.R.S. §42-17104, for 10:00 a.m. on June 18, 2007, at 301 W. Jefferson Street, 10th Floor, Phoenix, to solicit public comment on the FY 2007-08 Budget. (C4907042800) (ADM1801)

PUBLIC HEARING SCHEDULED – REVISED FEE SCHEDULE FOR PARKS & RECREATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to set a public hearing for 9:00 a.m. on Wednesday, June 20, 2007, to consider the adoption of the revised fee schedule for Parks & Recreation Department as on file with the Clerk of the Board to be effective August 13, 2007. On May 8, 2007, the Parks & Recreation Commission voted to approve the recommendation of the new fee schedule to the Board. Maricopa County Parks and Recreation Department has not implemented a significant fee adjustment since April 1, 2002. The rising operational costs of park staffing and maintenance have made it evident that a fee adjustment is appropriate. (C3007033M00) (ADM3210)

INDUSTRIAL DEVELOPMENT AUTHORITY – AFFORDABLE HOUSING PORTFOLIO, SERIES 2003

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to adopt the following captioned resolution, on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with Arizona State Libraries, Archives, and Public Records (ASLAPR). (ADM4792)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE RESTRUCTURING AND REISSUANCE OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA MULTIFAMILY HOUSING REVENUE BONDS (AHF AFFORDABLE HOUSING PORTFOLIO), SERIES 2003, IN ONE OR MORE TAXABLE AND/OR TAX-EXEMPT

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
May 16, 2007

**SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$27,000,000
(THE "BONDS")**

ASRS CLAIMS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. Amounts may be recalculated employer payments to show accrued interest payments. (ADM3309-001)

LAST NAME	FIRST NAME	PAYMENT
Bills	Lottie	\$11,893.33
Mays	Jennifer	\$25,346.86

CANVASS OF ELECTIONS

No canvasses of elections were submitted by special districts for this meeting.

CLASSIFICATION CHANGES

No request for changes was received from the Assessor for this meeting. (ADM723)

DONATIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept the donation reports received from County departments for April 2007. (ADM1810)

Department	Cash Donation	Non-cash Donation
Sheriff' Office	\$387.50	
Human Resources		\$130.00

DUPLICATE WARRANTS

Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve and ratify requests for duplicate warrants to be issued to replace County warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

NAME	WARRANT	FUND	AMOUNT
Angel Javier	370037295	Expense	\$115.00
Mark Bocker	270040841	Payroll	\$600.38
Vanessa Gartner	370042569	Expense	\$722.40
Mardi Lynn Starr	370039757	Expense	\$90.00
Tiffany Bottemiller	370041258	Expense	\$185.00

SCHOOLS

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

NAME	SCHOOL	WARRANT	AMOUNT
Cynthia Pappas	Phoenix Elem SD #1	170091774	\$588.04
Carolina Enriquez	Osborn SD #8	8630217	\$450.65
Expeditionary Learning	Roosevelt SD #66	470020222	\$9,500.00
Expeditionary Learning	Roosevelt SD #66	470003432	\$10,000.00
Expeditionary Learning	Roosevelt SD #66	460122656	\$10,000.00
Institute for Educ. Dev.	Isaac SD #5	470089482	\$378.00
Stephen Acosta	EVIT #401	470100287	\$15.00
Mayra Negron	Alhambra SD #68	170095041	\$583.70
Quill Corporation	Roosevelt SD #66	470149694	\$3,100.81
David Haro	EVIT #401	160123118	\$395.65
Mario Camacho	Roosevelt SD #66	170092879	\$160.06
Phyllis Roberts	Littleton Elem SD #65	470108488	\$115.49
Horner Group	Agua Fria Union High SD #216	470097983	\$7,321.57
Childrens Bureau of Southern CA	Isaac SD #5	470076488	\$6,000.00
Laura D Phipps	Liberty SD #25	170092168	\$834.15
Bureau of Educ. & Research Inc.	Queen Creek SD #95	470062526	\$897.00

PRECINCT COMMITTEEMEN

Pursuant to A.R.S. §16-821, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and/or removal of precinct committeemen due to disqualification in accordance with lists dated May 16, 2007, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

SECURED TAX ROLL CORRECTIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve requests from the Assessor for corrections of the Secured Tax Roll Resolutions. (ADM705)

YEAR	FROM	TO	AMOUNT
2006	10791	10859	\$152,928.18
2005	18662	18694	-\$98,373.70
2004	15651	15685	-\$21,268.04
2003	28070	28073	-\$13,122.70
2006	10861	11609	-\$219,488.32
2005	18695	18717	-\$53,601.14
2004	15686	15687	-\$3,075.66
2003	28074	28075	-\$1,454.12
2002	20454	20454	-\$16,916.08
2001	40912	40912	-\$22,755.36

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the settlement of tax cases dated May 16, 2007. (ADM704)

2005	2007
TX2004-000991	ST2006-000068
2006	ST2006-000101
ST2007-000002	ST2006-000145
	ST2006-000150
	ST2006-000155
	ST2006-000156

STALE DATED WARRANTS

No claims were presented, pursuant to A.R.S. §11-644, for payment at this meeting. (ADM1816)

TAX ABATEMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §41-18353. (ADM708)

Parcel Number	Year	Proposed Abatement	Parcel Number	Year	Proposed Abatement
144-87-122-3	2001	\$88.47	144-43-002U-8	2003	\$10,200.73
144-87-122-3	2002	\$45.51	144-43-002U-8	2004	\$8,257.09
144-87-122-3	2003	\$41.58	144-43-002U-8	2005	\$6,945.57
144-87-122-3	2004	\$35.43	144-43-002V-7	2000	\$60.23
144-87-122-3	2005	\$15.74	144-43-002V-7	2001	\$54.49
144-87-123-1	2001	\$73.41	144-43-002V-7	2002	\$81.63
144-87-123-1	2002	\$43.58	144-43-002V-7	2003	\$82.65
144-87-123-1	2003	\$40.57	144-43-002V-7	2004	\$74.77
144-87-123-1	2004	\$35.43	144-43-002V-7	2005	\$53.27
144-87-123-1	2005	\$15.74	162-04-182-7	2006	\$957.79
144-87-105-2	2003	\$80.89	502-88-934-3	2005	\$2,729.70
144-87-105-2	2004	\$36.01	502-88-934-3	2006	\$2,528.14
144-87-105-2	2005	\$15.74	502-88-935-1	2005	\$2,176.98
144-87-104-5	2003	\$80.89	502-88-935-1	2006	\$2,024.18
144-87-104-5	2004	\$36.01	502-88-936-8	2005	\$1,411.64
144-87-104-5	2005	\$15.74	502-88-936-8	2006	\$1,180.66
144-89-103-8	2003	\$80.89	502-88-937-5	2005	\$3,316.43
144-89-103-8	2004	\$36.01	502-88-937-5	2006	\$2,540.54
144-89-103-8	2005	\$15.74	502-88-938-2	2005	\$5,969.45
144-87-101-3	2003	\$80.89	502-88-938-2	2006	\$5,451.70
144-87-101-3	2004	\$36.01	502-88-939-0	2005	\$450.69
144-87-101-3	2005	\$15.74	502-88-939-0	2006	\$432.89

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

Parcel Number	Year	Proposed Abatement	Parcel Number	Year	Proposed Abatement
144-87-094A-6	2001	\$11,892.47	502-88-940-1	2005	\$790.85
144-87-094A-6	2002	\$11,046.47	502-88-940-1	2006	\$751.30
144-43-002U-8	1999	\$87.30	502-88-941-8	2005	\$161.53
144-43-002U-8	2000	\$13,160.31	502-88-941-8	2006	\$161.99
144-43-002U-8	2001	\$12,806.40	502-88-942-5	2005	\$161.53
144-43-002U-8	2002	\$10,246.05	502-88-942-5	2006	\$161.99

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

No member of the public came forward to speak at this meeting. (ADM605)

SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Wilcox saluted County Manager David Smith on his nomination for the American Society of Public Administration's Superior Service Award. His nomination is in a category that looks at the whole organization with regards to resourcefulness, sustained creativity and things accomplished during the past year. Two things considered in Mr. Smith's nomination were the Human Services Campus and the Affordable Housing project. Supervisor Wilcox congratulated David Smith as a dedicated County Manager who, "makes his Board look good and who continuously makes his staff go one step further." (ADM606)

Supervisor Wilcox reported that for the second year in a row the County Public Information Office's magazine was recognized by NACo's information officers for its high quality. She commented on the number of NACo awards Maricopa County receives each year.

SETTLEMENT – PHILIP SHEA

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize settlement of Philip J. Shea v. Joe Arpaio, No. 1 CA-CV 06-0475, Maricopa County Superior Court No. LC2005-000928-001DT (CV 2005-019023), as discussed in Executive Session on May 14, 2007. (Item S-1) (C1907040000) (ADM409)

SETTLEMENT – CAMELBACK ESPLANADE ASSOCIATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize settlement of Camelback Esplanade Association v. Maricopa County, TX2004-000290, TX2004-000708, TX2005-050251, and TX2006-000313 as discussed in Executive Session on May 14, 2007. (Item S-2)(C1907043000) (ADM704)

REORGANIZATION; TRANSFER OF POSITIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve transfer of positions from the Maricopa County Department of Transportation (MCDOT) to Maricopa County Public Works (MCPW) and the provision of work and services by MCPW to MCDOT and the Maricopa County Solid Waste Department (MCSW). Includes the transfer of 48 positions from MCDOT to MCPW; the transfer of three MCPW positions to MCDOT; and the assignment of MCPW to perform work and provide services for the MCDOT and MCSW.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

Specific functions affected include: Public Works Administration; Real Estate; Human Resources; Information Technology; Article 3 Procurement; Customer Service; Facilities Management; Records Retention; Geographic Information Services and Managing for Results. This item was discussed in Executive Session on May 14, 2007. (Item S-3) (C6407237M00) (ADM2075-001) (ADM2000-001) (ADM1900-001)

COURT TOWER PROJECT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to amend previous Board action approved on May 2, 2007, under agenda item C7007047800, by increasing the Court Tower (JUST) project by \$7,557,800 to \$341,557,800 to include the demolition of the 1st Avenue Jail and expansion of the Downtown Court Complex Plaza. (Item S-4)

In addition, authorize:

- The addition of the Durango 911 and Crime Lab (DCRM) project to the FY 2006-07 Five-Year Capital Improvement Plan with a project expenditure budget of \$14,008,300.
- The addition of the Sheriff Court Remodel (SCRL) project to the FY 2006-07 Five-Year Major Maintenance Plan with a project expenditure budget of \$3,433,900. (C7007047801) (ADM800-003)

PUBLIC HEARING SET - PLANNING AND ZONING CASES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for June 6, 2007, at 9:00 a.m. in the Board of Supervisors Auditorium, 205 West Jefferson, as follows: (Item S-5)

Z2006086 Vineyards Tuscan Village Rezone
Z2006053 Phoenix Fuel Co SUP

PLANNING AND DEVELOPMENT ITEMS

David Smith remained at the dais for this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CODE ENFORCEMENT REVIEWS

Please note: The following Code Enforcement Reviews are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support his decision, or whether a procedural error may have occurred. New evidence is not considered at these hearings.

CODE ENFORCEMENT REVIEW – JOSE AND JULIA SERRANO – CONTINUED

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2005-01957 and V2005-02049, Jose and Julia Serrano. (ADM3417-045). This item was previously

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

heard at the March 21, 2007 meeting and continued to the May 16, 2007 meeting. Staff was instructed to freeze accrued fines at \$7,290.

Darren Gerard reported that these violations were opened in November 2005 and were addressed in two different hearings. Fines were assigned. He added that the applicant has submitted grading permits that are under review. Staff has met with Mr. Serrano and his counsel and staff feels assured that they are sincerely searching for compliance and support their need for additional time to complete this.

Craig Keller was present to represent Jose and Julia Serrano. Mr. Keller reported that his clients have submitted plans as requested and are making every effort to come into compliance and affirmed that they would need additional time to complete necessary items such as a survey of land boundaries. He reminded the Board of his previous mention of their pending lawsuit in Superior Court at the March 21st meeting. Their case is expected to be heard in July and he felt it will resolve some easement issues with neighbors that should facilitate compliance. He asked the Board for a 90-day continuance. Supervisor Wilson questioned staff and learned that 90 days should provide enough time to resolve this matter.

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (5-0) to continue this item for 90 days, or to the meeting date of August 22, 2007. The accrued fines of \$7,290 remain frozen at this amount.

PLANNING AND DEVELOPMENT ITEMS

CONSENT AGENDA

1. **S2006-023 District 1 (F23222)**
 Applicant: HEC Engineering, LLC on behalf of Circle G at Church Farm North LLC
 Location: South of the southeast corner of Ocotillo Road and 228th Street (in the Queen Creek area)
 Request: Final Plat in the Rural-43 zoning district for Church Farm Acres (approx. 16.09 gross acres)

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve this final plat.

REGULAR AGENDA

2. **Z2006-112 District 1 (F23236) CONTINUED**
 Applicant: Allied Waste Transportation, Inc.
 Location: Approx. 2,112' east of Arizona Avenue and north of Germann Road (in the Chandler area)
 Request: Precise Plan of Development in the IND-3 zoning district for a waste transfer station (approx. 11.11 acres) – Germann Road Solid Waste Transfer Station

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of Z2006-112, subject to the following stipulations "a" through "q". Commissioner Smith seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled "Germann Road Transfer Station" consisting of five (5) full-size sheets prepared by Ray Love Architect, Inc., dated

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

January 29, 2007 and stamped received January 30, 2007, except as modified by the following stipulations.

- b. Development shall be consistent with the narrative report entitled "Plan of Development Application Germann Road Transfer Station" consisting of 17 pages, dated November 17, 2006 and stamped received November 20, 2006, except as modified by the following stipulations.
- c. Landscaping of the site shall be generally consistent with the landscape plan entitled, "Germann Road Transfer Station", consisting of one (1) full-size sheet prepared by Ray Love Architect, Inc., dated December 22, 2006, and stamped received January 30, 2007, except as modified by the following stipulations.
- d. Lighting of the site shall be generally consistent with the photometric plan entitled, "Germann Road Transfer Station", consisting of one (1) full-size sheet prepared by Ray Love Architect, Inc., dated December 20, 2006, and stamped received January 30, 2007, except as modified by the following stipulations.
- e. The following Maricopa County Department of Transportation (MCDOT) stipulations shall be adhered to:
 - Provide a total half-width of 65' right-of-way on Germann Road.
 - Provide sidewalk adjacent to roadway on Germann Road (uncompleted section).
 - Any improvements and landscaping in County right-of-way will require a MCDOT permit.
- f. The following Flood Control District (FCD) of Maricopa County stipulation shall be adhered to:
 - Prior to any development or issuance of any building permits, a Floodplain Use Permit will need to be obtained from the Regulatory Division of the Flood Control District.
- g. All proposed signage is to conform to standards for IND-3 zoning districts.
- h. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- i. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- j. All trees shall be double-staked when installed.
- k. A continuous parapet shall screen all roof-mounted equipment.
- l. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

- m. Major changes to this Plan of Development (the site plan and narrative report), or the stipulations of approval shall be process as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- n. Noncompliance with the plan of development (the site plan and narrative report) conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- o. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.
- p. Allied Waste and it's successors agree to maintain litter control along access routes from the site to Loop 202 including Hamilton Street, Germann Road, McQueen Road, and Arizona Avenue.
- q. Allied Waste and its successors agree that upon availability, waste trucks shall utilize an alternative access route north to Loop 202 along Hamilton Street and/or Armstrong Way and Willis Road.

Darren Gerard explained that the industrial zoning for this property on a County island has been in place and unchanged for many years. The Chandler General Plan designates the area for employment uses that include industrial and business parks and industrial support-type uses. Chandler has stated that this waste transfer facility is not in concert with the employment use designation described in their General Plan. Mr. Gerard gave statistics on Allied's proposed site plan and on-site projected personnel. Landscaping and retention basins have been included around the perimeter of the site. There are several hundred citizens in opposition to this project. Approximately 60 letters of support have been received. Additional stipulations have been drawn by staff, and original stipulations were modified in an effort to appease all parties. The revised stipulations were distributed to the Board. Mr. Gerard made three additional changes, revising stipulations "c" and "bb" and added a new stipulation, "cc" – and renumbering subsequent stipulations to end with stipulation "jj."

Supervisor Kunasek asked about stipulation "r" in designating traffic flow and ingress/egress for the Allied property, questioning the flow in and out of the entrance being limited to a single direction. His concern was that the large trucks would have to make left turns at the light rather than an "easier" right turn. He felt this could pose dangers to the public and suggested making changes to make right turns available.

Richard Wallace, Director of MCDOT, responded, explaining that this was done, at the City's request, to minimize truck traffic flow in front of the new city park. He said it was designed so trucks would exit away from the park while entering trucks would have to make the left turn into Allied at the traffic light to avoid the park's entrance. Discussion ensued on traffic flow and public safety.

Chairman Brock noted the many spectators who signed speaker's slips and requested cooperation in keeping their comments as concise as possible. Those requesting to speak in favor of the applicant included William Winnett, Allied Waste, Mike Berlin, Allied Waste, Clint Randall, STS Landholdings, Sarah

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

Dobbins, representing Phoenix City Councilwoman Petty Neely, Anthony Pelletier, resident, Oliver Loire, business owner, Mark Turley, business owner and Jim Patterson. Those requesting to speak in opposition to Allied Waste included Chandler Mayor Boyd Dunn, Chandler Assistant City Manager, Pat McDermott, Chandler Councilman Bob Caccamo, Richard Ross, citizen, Rick Heiman, citizen, Chelle Daly, citizen, and Christian Weems, citizen.

Steven Anderson, counsel for Allied Waste, first addressed the traffic flow question saying that he agreed with concerns and solutions expressed by Supervisor Kunasek, but the City of Chandler had objected to a similar solution at the Planning Commission meeting. He added that Allied had learned that property owners to the north of Germann Road had refused to sell rights-of-way for road construction that could connect to alternate access roads. The idea was then dropped.

Mr. Anderson pointed out that the agenda item is to simply approve the site plan request for the waste transfer station and does not include land or zoning-use topics. He said those in opposition would question Allied's legal right to use the land they owned as they wished, and would encourage the Board to deny the site plan request on an incompatibility basis because of the planned use. He described features of the proposed site plan, which are similar to two waste transfer stations already operating on County islands. He said that Germann Road is projected to carry 30,000 trips per day in 2020 and the new Allied facility is estimated to generate just over two per cent of that total traffic load. Germann Road is a major arterial road and he added that there is already considerable truck traffic on it from industrial facilities currently in operation. Discussion ensued on current and projected truck traffic on Germann Road other than from the expected flow by Allied trucks, and compared this to traffic use on other roads adjacent to the area of the Allied property.

Chandler Mayor Boyd Dunn spoke of the City's main concerns with this request, 1) compatibility/safety, 2) impact on future development of the area and, 3) the issue of transportation. He addressed each concern in greater detail. He also described the 200 acre regional park the city has developed at the cost of hundreds of millions of dollars and questioned the compatibility of the waste transfer station (with its accompanying odors) in a location so near to the park. He also addressed safety concerns for children and families using the park because of the increased truck traffic. He said the regional park has been planned since the 1980s and the zoning on the County island was done in the 1960s and he did not prefer to argue "who was there first" but did address the population changes to the area since those times, and with these changes comes an increasing incompatibility with the heavy industrial use that's operating there. He felt that Allied's operation would negatively impact the problem. The City Council's preference is that future industrial growth should tend towards a "much less intense usage" of those properties. He cited numbers that indicate 700 trucks per day would be added to existing traffic on Germann Road, and said this is a grave concern.

Supervisor Kunasek questioned whether the City was aware of the industrial zoning in this area when they purchased land and built the park. Mayor Dunn replied that they obviously had been aware since the zoning has been in place since 1969, but added that the lands being used for the park have accumulated over a period of time. He admitted that projections for the park's use have undoubtedly been changed and expanded due to its popularity with the escalating number of residents.

Supervisor Kunasek asked if the Mayor felt that the City's bringing an incompatible use (of the park) into an industrial designated area was appropriate and considerate of land and industrial business owners who had been in the area prior to any land purchase for a park being made by the city. Mayor Dunn replied that the City would never have supported Industrial-3 zoning for that area in their General Plan.

**FORMAL SESSION
May 16, 2007**

Chairman Brock said the County has asked MAG and other planning and research agencies to prepare a study on Industrial-3 zoned properties to study compatible and desirable uses in hope of mitigating opposing planning goals in the future.

Supervisor Wilson commented on the proposed land use and said the question of the City's land-use rights should not deteriorate into the taking away of the rights that Allied already has through ownership. Supervisor Wilcox added, "The zoning is already there and we're only considering the site plan today." She added that Allied has already complied with many requests and concerns by agreeing to the changes in the stipulations. She asked the Mayor what his main concern was with regards to the stipulations since the Industrial-3 zoning is already in place.

Mayor Dunn responded that transportation should be handled more effectively – that there were still concerns on that issue. He felt that "there is always a way to be found" to obtain the necessary rights-of-way to build alternate roads leading to different access streets than Hamilton and felt trucks should be routed north to either McQueen or Arizona Avenue. Supervisor Wilcox asked if the City had looked at ways to partner with Allied by building the necessary roads. Mayor Dunn said the City might consider this but felt that with the heavy traffic increase, Allied should pay their fair share.

Supervisor Stapley said that while the big issue was transportation and safety, the property owner's rights must also be considered. He read stipulation "q" as providing a solution. In it, Allied agrees to use an alternate route for their trucks as soon as one becomes available. He suggested the City use its right of eminent domain to acquire the necessary rights-of-way to provide the land to the north for roads that would create the desired traffic pattern. He pointed out that Allied does not have the right of eminent domain, and Maricopa County does not have this right in another jurisdiction. Discussion ensued on acquiring alternate routes and the responsibilities of building, maintaining and paying for them.

Pat McDermott, City of Chandler Assistant City Manager, reported on a possible solution to the access problem by giving what he felt was a preferred truck route, tracing it for the Board on a large map. He felt that Allied should participate with the transportation build-out by providing certain specific requirements. His plan was the appropriate condemnation of lands by the City and County, and have Allied reimburse those entities for the ROW acquisition and construction. He said that Chandler has done this with other developers and it has worked well. Discussion ensued on this idea and possible condemnations.

Several citizens spoke against approving this site feeling this is a wrong application of industry and incompatible with plans for this area's future development. They differentiated between what is "legal" for the site and what "belongs" there. They wanted something that is a better "fit" to the area.

Jim Patterson, former mayor of Chandler, spoke to support the site plan, feeling it was a "black and white" decision since the zoning is already in place and the applicant has agreed to 36 stipulations, showing good intent. He spoke of the time plan for the area utilized by former mayors and council members. He reported that the idea for the type of park that's there now was actually conceived in the early 1990s and acknowledged that City officials had known it was in an industrial zone and proceeded with it anyway. He felt it was unfortunate that politics had taken over the facts of the matter. He asked the Board to support and adopt the plan as one that is necessary to the area and also beneficial to the future of Chandler.

Property and business owner Mark Turley expressed his displeasure with the current Chandler City Council for a weight restriction imposed for the City with insufficient notification to business owners so they could attend the meeting and protest the plan. He also disliked the preemptive way the council has addressed the various issues with Allied. He submitted photos of surrounding businesses that supported his argument for approval of the site plan. He accused the city council of irresponsibility in putting \$200

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

million of taxpayer monies into development of a city park on a site with an established use and zoning as an industrial area.

Supervisor Kunasek estimated that a loaded city bus would weigh approximately 40,000 lbs and asked for additional information on the weight restrictions that were adopted. Mr. Turley said he understood the Council inserted an exception to the restriction for all city vehicles, including city garbage trucks. He added that the Council disregarded recommendations by City staff in approving the weight restrictions. Mr. Turley said that if restrictions are enforced many business owners believe they may be forced into bankruptcy.

Clint Randall, Property Manager for Mr. Turley's company, made several points in his presentation:

- Area needs a transfer station and one would be compatible with the industrial use:
- It is also compatible with the industrial uses Mr. Turley plans for his property in the future:
- He feels little concern for any odor, which he feels will be minimal:
- MC Planning Commission and MCDOT support right-turns only
- Eminent domain action is unnecessary to obtain all ROW's: Turley property contains a 30 ft. ribbon of land that is deeded to the Concrete Recycling Facility until 2011:
- Chandler could purchase this eight-acre leased strip to build a road.
- Other business owners would also be impacted by the availability of a new road:
- There is no Hamilton Road, it is only a line on an alignment map the City "calls" a road.

Chelle Daly, citizen, spoke in opposition and presented a petition with 369 signatures. She indicated that citizens are happy with Waste Management's services and prefer to continue with them.

Chandler councilman Bob Caccamo, asked the Board to continue this item so Members could visit the area to obtain a clearer and more comprehensive view of the new park and experience conditions that govern the City's, and many property owner's, concerns. He addressed several reasons for the decisions made by the Council, both in the present and also for previous decisions. Councilman Caccamo did not agree with many statements made by those supporting this application, calling them misleading. He asked the Board to continue the case and journey to Chandler to view things for themselves.

In rebuttal, Steven Anderson referenced the long-term planning of a city park, he said it was a different location that was referenced in the 1980s and that plan was discarded when it became apparent that the new site could be bought for half the price. With reference to Allied paying for construction of streets after paying for ROW to compensate for their increased traffic, Mr. Anderson alluded to the fact that Chandler exports its garbage over interstate highways to the City of Phoenix and onto a refuse location in District 5 – polluting the air and without paying a dime to improve roads in Phoenix. He claimed that Chandler is asking Allied to do things that it has asked no one else to do – and that they do not do at their own facilities. He asked the Board to disregard the passions shown by Chandler and to abide by the law to approve the Allied site plan.

The Chairman recessed the Board for a break at 12:00 noon and reconvened at 12:15 p.m.

Discussion continued on alternate routes, major concerns of Chandler citizens: safety; traffic; maintenance and odors; the possibility of air curtains; road restrictions on weight; the need for regularly spaced waste transfer stations; heavy industrial zoning; creating an improvement district; first developers in an area to front costs; odor and sanitation controls used; sealing odors inside the building; misting the

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

interior of the building; compaction of waste and ratio variations in transfer costs between compacted and uncompacted waste.

All citizens requesting time to speak did speak, giving similar assertions in correspondence to their opinion on approval or denial.

Bob Caccamo, reinforced his appeal for a continuance and alleged misinformation given in Allied's arguments had misled many facts of the case. He said that sometimes what is said is not what is delivered and he would like for the Board to see actual sites and locations.

Chairman Brock said that this transfer station is necessary but noted that most citizens don't want to live with it in close proximity. He addressed the changes in character of the area since the zoning was established and posed questions on demographics and best use. He said he chose not to support Allied's facility in this location but could willingly support it in another location.

Motion was made by Chairman Brock to deny this site plan application. Motion died for lack of a second.

Motion was made by Supervisor Kunasek to approve this site plan with the revised stipulations as given by Mr. Gerard. Motion was seconded by Supervisor Wilson.

Supervisor Kunasek commented that the zoning decision had been made 40 years ago and not by the Members sitting on the current Board of Supervisors, and the "tenor of some comments" made by Chandler officials therefore seemed inappropriate. He felt that the "incompatible use" indictment used by the City and some residents against Allied could apply equally to the City in locating the multi-million dollar park on land zoned since 1969 as industrial. He said future implications of this action should have been taken into consideration when they voted to locate the park there. He added that it is a beautiful park but the Board of Supervisors had no part in the placement of it and deserves no blame for it.

Discussion ensued on several points of clarification that eventually were decided to be already included in the revised stipulations.

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "nay" to concur with the recommendation of the Planning Commission for approval. Board approval includes modified stipulations "a" through "jj" as amended by staff and agreed to by the applicant. [See below: Added language is underscored, and deleted language is struck-through.] Staff was directed to cooperate with City of Chandler and Steven Anderson to explore the possible creation of a road improvement district for the area. Amended stipulations are given below:

- a. Development of the site shall comply with the site plan entitled "Germann Road Transfer Station" consisting of five (5) full-size sheets prepared by Ray Love Architect, Inc., dated January 29, 2007 and stamped received January 30, 2007, except as modified by the following stipulations.
- b. Development shall be consistent with the narrative report entitled "Plan of Development Application Germann Road Transfer Station" consisting of 17 pages, dated November 17, 2006 and stamped received November 20, 2006, except as modified by the following stipulations.
- c. Landscaping of the site shall be generally consistent with the landscape plan entitled, "Germann Road Transfer Station", consisting of one (1) full-size sheet prepared by

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

Ray Love Architect, Inc., dated December 22, 2006, and stamped received January 30, 2007, except as modified by the following stipulations.

- d. Lighting of the site shall be generally consistent with the photometric plan entitled, "Germann Road Transfer Station", consisting of one (1) full-size sheet prepared by Ray Love Architect, Inc., dated December 20, 2006, and stamped received January 30, 2007, except as modified by the following stipulations.
- e. The following Maricopa County Department of Transportation (MCDOT) stipulations shall be adhered to:
 - Provide a total half-width of 65' right-of-way on Germann Road.
 - Provide sidewalk adjacent to roadway on Germann Road (uncompleted section).
 - Any improvements and landscaping in County right-of-way will require a MCDOT permit.
 - Allied Waste shall bond or provide other form of assurance at the discretion of MCDOT, to pay for their pro rata share (25%) of the cost of signalization at the intersection of Germann Road and Hamilton Street.
- f. The following Flood Control District (FCD) of Maricopa County stipulation shall be adhered to:
 - Prior to any development or issuance of any building permits, a Floodplain Use Permit will need to be obtained from the Regulatory Division of the Flood Control District.
- g. All proposed signage is to conform to standards for IND-3 zoning districts. Prior to issuance of building permits, the applicant shall provide documentation that proposed signage conforms to City of Chandler standards for heavy industrial land uses.
- h. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- i. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- j. All trees shall be double-staked when installed.
- k. A continuous parapet shall screen all roof-mounted equipment.
- l. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

- m. Major changes to this Plan of Development (the site plan and narrative report), or the stipulations of approval shall be process as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- n. Noncompliance with the plan of development (the site plan and narrative report) conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- o. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.
- p. Allied Waste and its successors agrees to maintain litter control along access routes from the site to Loop 202 including Hamilton St., Germann Rd., McQueen Rd. and Arizona Ave. exclusive of its median, for the purpose of ensuring that trash or other debris from trucks using the site is kept off said routes (and not for the purpose of general roadway cleanliness associated with use by other traffic). This requirement shall be subject to the approval of the City of Chandler, MCDOT or ADOT, as appropriate.
- q. Allied Waste and its successors agree that upon availability, waste trucks shall utilize an alternative access route north to Loop 202 along Hamilton St. and/or Armstrong Way and Willis Rd.
- r. All trucks owned or operated by Allied shall enter the facility from and exit to the west on Germann Road and shall use Arizona Avenue to access the Loop 202 freeway, unless an alternate route as described in Stipulation "q" above becomes available.
- s. Prior to zoning clearance, the applicant shall provide documentation of compliance with all FAA regulations related to waste transfer stations in proximity to public airports.
- t. All Collected refuse shall be transferred off the site within forty-eight (48) hours.
- u. Use of the facility is limited to waste transfer only. There shall be no truck repair on site. There shall be no more than four (4) trucks parked overnight on the site.
- v. Hours of waste transfer loading operations shall be limited from 3:00 a.m. to 10:00 p.m. Monday through Saturday. There shall be no waste transfer loading operations on Sundays.
- w. Overhead doors to the loading tunnel shall be closed daily upon termination of waste transfer loading-operations.
- x. All trucks utilizing the facility shall be tarped or refuse otherwise enclosed.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

- y. All trucks utilizing the facility shall be limited to a maximum gross weight of 80,000 pounds fully loaded.
- z. Transfer building drainage system shall be a closed loop. Liquid waste shall be properly disposed of at an authorized facility.
- aa. Waste transfer station operations shall include a vector control plan to mitigate nesting opportunities as well as food, water and harborage for both birds and rodents.
- bb. Waste transfer station operations shall include an odor control plan to mitigate adverse impacts on surrounding properties, such as an exhaustion odor misting system, chemical treatment, insulation or other methods of sealing odor within the building, etc.
- cc. Allied Waste and successors shall adhere to all state and federal environmental regulations.
- dd. The operator of the facility shall agree to provide an off-duty law enforcement officer to direct traffic at the intersection of Germann Road and Hamilton Street for up to a maximum of ten (10) days per calendar year during times the facility is receiving waste, as determined by MCDOT in cooperation with the City of Chandler and with written notice to the operator.
- ee. Allied Waste shall provide a roll-off (2 days per month / 24 days per year) for community clean-up events in the City of Chandler, or in Sun Lakes or other county islands within the Chandler area.
- ff. Where no sidewalk currently exists, a 6' wide, meandering sidewalk shall be provided along Germann Road with appropriate landscaping material between the sidewalk and curb. Landscaping behind sidewalk shall include grading to provide natural and pleasing ground forms along the streetscape of both Germann and Hamilton. The six (6) foot block wall directly fronting Germann and Hamilton shall be elevated by approximately two (2) feet by constructing the wall on earthen material.
- gg. Where "Chinese Elm" trees are designated on the landscape plan, they shall be replaced with evergreen trees of similar size (7' tall, 36" box). Shrubs and groundcover along Germann Road shall provide at least 50% coverage at maturity. Minimum tree height and caliper per ANA shall be added to the landscape plan.
- hh. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- ii. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- jj. Modular buildings shall not be permitted for the scale house and site office structure. Prior to issuance of building permits, the applicant shall provide documentation which

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

demonstrates that the exterior finishes of the scale house and site office structure conforms to either stucco or decorative block.

- 3. Z2007-026 District 4 (F23236)**
Applicant: Kim Anderson for Dysart Commons, LLLP
Location: North of the northwest corner of Dysart Road and Camelback Road (in the west Glendale/Litchfield Park area)
Request: Special Use Permit (SUP) for a private school in the C-O CUPD zoning district (approx. 0.205 acres) – Montessori in the Park at Veranda Commons

COMMISSION ACTION: Commissioner Makula moved to recommend approval of Z2007-026, subject to stipulations “a” through “m”. Commissioner Munoz seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall comply with the site plan entitled “Montessori in the Park Z2007026” consisting of one (1) full-size sheet, dated revised March 23, 2007 and stamped received March 26, 2007 except as modified by the following stipulations. Within thirty (30) days of Board of Supervisors (BOS) approval, the site plan shall be revised with all “bubbles” removed and displaying the most recent vicinity map.
- b. Development and use of the site shall comply with the narrative report entitled “Montessori in the Park at Veranda Commons Z2007026” consisting of ten (10) pages, dated revised March 23, 2007 and stamped received March 26, 2007 except as modified by the following stipulations.
- c. All trees shall be double-staked when installed.
- d. The canopy shade structure must be painted to match the existing building.
- e. The number of students attending the school shall not exceed 64.
- f. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- g. All transformers, back-flow prevention devices, utility boxes and all other utility related ground equipment shall be painted to compliment the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened.
- h. Use and development of the site shall otherwise comply with the stipulations of Z2003085, Z2004122, Z2004124, Z2005111, Z2006031, and S2005083 as may be applicable.
- i. This Special Use Permit shall expire fifteen (15) years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first.
- j. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 16, 2007**

report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.

- k. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- l. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- m. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "m."

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Fulton Brock, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board